

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09CV290-RJC-DSC**

<b>MARK W. BAYNES, et. al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>SIDNEY S. HANSON, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court on the “Plaintiffs’ Motion for Judicial Assistance” (document # 19) filed August 28, 2009; and the “Government’s Brief in Opposition ...” (document #21) filed September 10, 2009. The Plaintiffs have not filed a Reply and the time for filing a reply brief has expired.

Federal Rule of Civil Procedure 26(d)(1) provides that “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except . . . when authorized . . . by court order.” On July 28, 2009, the District Judge to whom this case is assigned (the Honorable Robert J. Conrad, Jr.) denied Plaintiffs’ earlier Motion for Expedited Discovery (document #2). Moreover, the record does not reflect that the parties have conducted the Initial Attorneys’ Conference (“IAC”) as required by Rule 26(f).

Accordingly, Plaintiffs’ Motion for an order compelling the Government to produce documents is premature.

**NOW, THEREFORE, IT IS ORDERED:**

1. "Plaintiffs' Motion for Judicial Assistance" (document # 19) is **DENIED**
2. The Clerk is directed to send copies of this Order to counsel for the parties; and to the

Honorable Robert J. Conrad, Jr..

**SO ORDERED.**

Signed: September 24, 2009



David S. Cayer  
United States Magistrate Judge

